

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
MATTHEW SHAMBURGER,

Docket No.:

Plaintiff,

**PETITION FOR
REMOVAL**

-against-

BLADIMIR KA and SBD TRUCKING LLC,

Defendants.

-----X

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK**

1. On February 24, 2022, a Summons and Complaint was filed in the Supreme Court of the State of New York, County of Queens, and thereafter served upon defendants at their corporate office. The index number is 704115/2022.

2. The above described action is a civil action for which the court has jurisdiction under 28 U.S.C. 1332(a)(1) and is one which may be removed to this court by the petitioner/defendants herein pursuant to the provision of 28 U.S.C. § 1441(a).

3. Plaintiff alleges in his complaint to be a resident of the State of New York. A copy of the Summons and Complaint is annexed hereto as **Exhibit A**.

4. The court's jurisdiction is based upon diversity of citizenship as provided in 28 U.S.C. § 1332(a)(1) in that the plaintiff and defendants are citizens of different states.

5. BLADIMIR GARCIA LORENZO i/s/h/a BLADIMIR KA is a resident of the State of New Jersey, County of Essex.

6. SBD TRUCKING LLC is a New Jersey corporation that has its principal place of business located at 14 Sumo Village Court, Newark, New Jersey 07144

7. Upon information and belief, the amount in controversy exceeds \$75,000 in that plaintiff sustained severe injuries in the accident which led to at least two surgeries. See police investigation report, **Exhibit B**.

8. Petitioner/defendants will pay all costs and disbursements incurred by reason of the removal proceedings hereby brought should it be determined that this action is not removable or is improperly removed.

9. Venue in the Eastern District of New York is proper pursuant to 28 U.S.C. § 112 and 28 § U.S.C. 1391(a).

WHEREFORE, petitioner prays that the above action now pending against it in the Supreme Court of the United States, County of Kings, be removed therefrom to the United States District Court for the Eastern District of New York in accordance with U.S.C. § 1441(a) and § 1446.

Dated: Mineola, New York
March 24, 2022

By:



ANGELO J. BONGIORNO, ESQ.
BONGIORNO, MONTIGLIO, MITCHELL &
PALMIERI, PLLC
Attorneys for Defendants
SBD TRUCKING LLC and BLADIMIR GARCIA-
LORENZO i/s/h/a BLADIMIR KA
200 Old Country Road, Suite 680
Mineola, New York 11501
(516) 620-4490
Our File No.: SEDNS 028522 AJB

TO: ROSENBERG & RODRIGUEZ, PLLC
Attorneys for Plaintiff
87 Church Street
Freeport, New York 11520
(516) 442-7310

EXHIBIT “A”

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS-----
MATTHEW SHAMBURGER,

Plaintiff,

- against -

BLADIMIR KA and SBD TRUCKING LLC,

Defendants.

Filed on: _____

Index No.: _____

Plaintiff designates Queens
County as place of trial**SUMMONS**The basis of venue is
Plaintiff's residencePlaintiff resides at
MATTHEW SHAMBURGER
117-43 135th Street
Jamaica, New York 11420

To the above named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with the summons, to serve a notice of appearance on Plaintiff's Attorneys within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: Freeport, New York
February 17, 2022

Yours etc.,

ROSENBERG & RODRIGUEZ, PLLC



By: Ivan J. Rodriguez, Esq.
Attorneys for Plaintiff:
MATTHEW SHAMBURGER
87 Church Street
Freeport, New York 11520
Tel: (516) 442-7310

Defendants' Addresses:

BLADIMIR KA
14 Sumo Village CT
Newark, NJ 07144

SBD TRUCKING LLC
14 Sumo Village CT
Newark, NJ 07144

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS-----x
MATTHEW SHAMBURGER,

Plaintiff,

Index No.: _____

COMPLAINT

- against -

BLADIMIR KA and SBD TRUCKING LLC,

Defendants.
-----x

Plaintiff, MATTHEW SHAMBURGER, by his attorneys, ROSENBERG AND RODRIGUEZ PLLC, complaining of Defendants herein, respectfully sets forth and alleges as follows, upon information and belief:

1. At all times mentioned, Plaintiff MATTHEW SHAMBURGER was and still is a resident of Queens County, City and State of New York.
2. At all times mentioned, Defendant BLADIMIR KA was and still is a resident of Essex County, City of Newark, and State of New Jersey.
3. At all times mentioned, Defendant SBD TRUCKING LLC was and still is a domestic corporation licensed and authorized to conduct business in the State of New Jersey.
4. At all times mentioned, Defendant SBD TRUCKING LLC was and still is a limited liability company licensed and authorized to conduct business in the State of New Jersey.
5. At all times mentioned, Defendant SBD TRUCKING LLC was a business entity created and licensed under the laws of the State of New Jersey.
6. That on or about June 16, 2020, Defendant BLADIMIR KA was a registered owner of a 2013 Volvo motor vehicle bearing New Jersey State license plate number AW163L.
7. That on or about June 16, 2020, Defendant BLADIMIR KA was a titled owner of a 2013 Volvo motor vehicle bearing New Jersey State license plate number AW163L.

8. That on or about June 16, 2020, Defendant BLADIMIR KA was a lessor of a 2013 Volvo motor vehicle bearing New Jersey State license plate number AW163L.
9. That on or about June 16, 2020, Defendant BLADIMIR KA was a lessee of a 2013 Volvo motor vehicle bearing New Jersey State license plate number AW163L.
10. That on or about June 16, 2020, Defendant BLADIMIR KA maintained a 2013 Volvo motor vehicle bearing New Jersey State license plate number AW163L.
11. That on or about June 16, 2020, Defendant BLADIMIR KA operated a 2013 Volvo motor vehicle bearing New Jersey State license plate number AW163L.
12. That on or about June 16, 2020, Defendant BLADIMIR KA controlled a 2013 Volvo motor vehicle bearing New Jersey State license plate number AW163L.
13. That on or about June 16, 2020, Defendant BLADIMIR KA operated the aforementioned motor vehicle with the knowledge and consent of the vehicle's owner, Defendant SBD TRUCKING LLC.
14. That on or about June 16, 2020, Defendant BLADIMIR KA operated the aforementioned motor vehicle as part of and within the scope of his employment with Defendant SBD TRUCKING LLC.
15. That on or about June 16, 2020, Defendant SBD TRUCKING LLC was a registered owner of a 2013 Volvo motor vehicle bearing New Jersey State license plate number AW163L.
16. That on or about June 16, 2020, Defendant SBD TRUCKING LLC was a titled owner of a 2013 Volvo motor vehicle bearing New Jersey State license plate number AW163L.
17. That on or about June 16, 2020, Defendant SBD TRUCKING LLC was a lessor of a 2013 Volvo motor vehicle bearing New Jersey State license plate number AW163L.
18. That on or about June 16, 2020, Defendant SBD TRUCKING LLC was a lessee of a 2013 Volvo motor vehicle bearing New Jersey State license plate number AW163L.

19. That on or about June 16, 2020, Defendant SBD TRUCKING LLC maintained a 2013 Volvo motor vehicle bearing New Jersey State license plate number AW163L.
20. That on or about June 16, 2020, Plaintiff MATTHEW SHAMBURGER was operating a 2011 Kenworth motor vehicle bearing New York license plate number AE7725.
21. That at all times mentioned, Interstate 495, in the village of Lake Success was and still is a public road, street, crossing and/or thoroughfare in Nassau County, State of New York.
22. That on or about June 16, 2020, at approximately 11:38 a.m., the vehicle owned by Defendant SBD TRUCKING LLC and being operated by Defendant BLADIMIR KA came into contact and collided with the vehicle being operated by Plaintiff MATTHEW SHAMBURGER.
23. That the aforementioned collision occurred on Interstate 495, near exit 32 W/B, in the Lace Success, Nassau County, State of New York.
24. That as a result of the aforesaid occurrence, Plaintiff MATTHEW SHAMBURGER was damaged in his mind and body and sustained serious and/or permanent injuries as defined by § 5102(d) of the Insurance Law of the State of New York.
25. That as a result of the aforesaid occurrence, Plaintiff MATTHEW SHAMBURGER suffered “serious injuries” and was required to seek and obtain medical attention in an effort to cure and alleviate the same and will be compelled to do so in the future.
26. That Plaintiff MATTHEW SHAMBURGER sustained a “serious injury” as defined in § 5102 of the Insurance Law of the State of New York and is entitled to recover for non-economic loss, pain, suffering, disfigurement and disability, as well as for economic loss in excess of basic economic loss.
27. That as a result of the aforesaid occurrence, Plaintiff MATTHEW SHAMBURGER was caused economic damages and expenses including but not limited to, and past, current and future medical expenses and lost earnings.

28. That the aforesaid occurrence and the injuries sustained by Plaintiff MATTHEW SHAMBURGER were caused and brought about by the careless, negligent and reckless actions, faults, omissions and neglects of Defendants in their ownership, maintenance, management, operation and control of Defendants' motor vehicle.

29. That this matter falls within one or more exceptions of the CPLR § 1602.

WHEREFORE, Plaintiff MATTHEW SHAMBURGER demands judgment against Defendants in excess of the jurisdictional limits of all lower courts, together with costs, fees and disbursements of this action.

Dated: Freeport, New York
February 17, 2022

Yours etc.,

ROSENBERG & RODRIGUEZ, PLLC



By: Ivan J. Rodriguez, Esq.

Attorneys for Plaintiff:
MATTHEW SHAMBURGER
87 Church Street
Freeport, New York 11520
Tel: (516) 442-7310

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

MATTHEW SHAMBURGER,

Index No.: _____

Plaintiff,

- against -

BLADIMIR KA and SBD TRUCKING LLC,

Defendants.

SUMMONS & COMPLAINT

Attorneys for: Plaintiff

ROSENBERG & RODRIGUEZ., PLLC
87 Church Street
Freeport, New York 11520
Tel: (516) 442-7310

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the Courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: February 17, 2022



Ivan J. Rodriguez, Esq.

EXHIBIT “B”

Page 1 of 3 Pages		
Local Codes		
C12LS134HZJCCN		

**New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT**

MV-104A (6/04)

DMV COPY

 AMENDED REPORT

1		Accident Date Month Day Year		Day of Week Tues		Military Time 11:38		No. of Vehicles 4		No. Injured 3		No. Killed 0		Not Investigated at Scene <input type="checkbox"/> Accident Reconstructed <input type="checkbox"/>		Left Side <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Police Photo <input type="checkbox"/>			
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ABS-7 (1/10/00) 2 of 1 pages

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT

MV-104A (6/04)

DMV COPY

 AMENDED REPORT

18

Accident Date			Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated or Suspect		Left Scene	Police Officer
Month 06	Day 16	Year 2020	Thur	11:38	4	3	0	<input checked="" type="checkbox"/> Accident Reconstructed	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Yea <input checked="" type="checkbox"/> No

20

VEHICLE 1

<input checked="" type="checkbox"/> VEHICLE 1 - Driver	<input type="checkbox"/> VEHICLE 1 - 2	<input type="checkbox"/> BICYCLIST	<input type="checkbox"/> PEDESTRIAN	<input type="checkbox"/> OTHER PEDESTRIAN
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21

Licensor ID Number 175288803	State of Lic. NY	<input type="checkbox"/> VEHICLE 2 - Driver	<input type="checkbox"/> BICYCLIST	<input type="checkbox"/> PEDESTRIAN	<input type="checkbox"/> OTHER PEDESTRIAN
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22

Driver Name - exactly as printed on license SHAMBURGER, MATTHEW	State of Lic. NY	Driver Name - exactly as printed on license FERNANDEZ, PRIMA, JELURYS R	State of Lic. NY
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23

Address (Include Number & Street) 11743 135TH ST	Apt. No.	Address (Include Number & Street) 123 ENGLISH ST	Apt. No.
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24

City or Town JAMAICA	State NY	Zip Code 114200000	City or Town HACKENSACK	State NJ	Zip Code 076010000
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Date of Birth 12/12/1984	Sex M	Date of Birth 12/12/1984	Sex M
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26

Name - exactly as printed on registration new york city DOT.	Sex C	Date of Birth Month Day Year	Name - exactly as printed on registration penske leasing and rental.	Sex C	Date of Birth Month Day Year
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27

Address (Include Number & Street) 3211 HARPER ST	Apt. No.	Address (Include Number & Street) 2675 MORGAN TOWN RD	Apt. No.
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28

City or Town CORONA	State NY	Zip Code 11368	City or Town READING	State PA	Zip Code 19617
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29

Plate Number AE7725	State of Reg. NY	Vehicle Year & Make 2011 KW	Vehicle Type H/TN	Ins. Code 994	Plate Number XJL594	State of Reg. NJ	Vehicle Year & Make 2019 PRITT	Vehicle Type DEI.V	Ins. Code 989
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30

Ticket/Arrest Number(s)	Ticket/Arrest Number(s)
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31

Violation Section(s)	Violation Section(s)
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32

Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input checked="" type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.	Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.	Circle the diagram below that describes the accident, or draw your own diagram in space #8. Number the vehicles.
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33

VEHICLE 1 DAMAGE CODES	VEHICLE 2 DAMAGE CODES
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34

Box 1 - Point of Impact Box 2 - Most Damage	1 2	Box 1 - Point of Impact Box 2 - Most Damage	3 2
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35

Enter up to three more Damage Codes	1 2 3	Enter up to three more Damage Codes	4 5 6
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36

Vehicle By Towed:	Vehicle By Towed:
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37

Vehicle Damage Coding:	Diagram
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38

1-13. SEE DIAGRAM ON RIGHT.	Cost of repairs to any one vehicle will be more than \$1000.
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39

14. UNDERCARRIAGE	17. DEMOLISHED	<input type="checkbox"/> Unknown/Unable to Determine	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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40

15. TRAILER	18. NO DAMAGE	(Route Number or Street Name)		
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41

16. OVERTURNED	19. OTHER	(Route Number or Street Name)		
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42

Reference Marker	Coordinates (If available)	Place Where Accident Occurred
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43

Latitude/Longitude:	<input type="checkbox"/> City <input checked="" type="checkbox"/> Village <input type="checkbox"/> Town of LAKE SUCCESS, NY
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44

Longitude/Easting:	at 1) intersecting street...	(Route Number or Street Name)		
Longitude/Easting:	at 2) 75 feet Milng	<input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	of exit 32 w/b	(Milng, Nearest Intersecting Route Number or Street Name)

45

Accident Description/Officer's Notes	See the second page for the accident diagram
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46

Inv 1 then struck Inv 3. Inv 1 then side swiped Inv 4. Operator of Inv 1 stated he did not have enough room to stop. Operator of Inv 2 states Inv 1 was traveling at a high rate of speed. Operator of Inv 4 states he was changing lanes when he felt the crash on the passenger side of his vehicle. Operator of Inv 2 and passengers were treated and transported by North Shore AMT Jones. Operator of Inv 3 was treated	N
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47

8 9 10 11 12 13 14 15 16 17 BY TO 18	Names of all involved	Date of Death Only
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48

A	B	C	D	E	F
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49

Officer's Rank and Signature PO <i>Am. L.</i>	Badge/ID No. 881	NCIC No. 02963	Troop/Post LSLS	Station/Beat/ Sector LSND	Reviewing Officer FERNANDEZ, T.	Date/Time Reviewed 06/22/2020 22:51
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50

Print Name In Full B. LAKE	7/7/2020 12:57:52 PM (Eastern Daylight Time)	SVR:SCGCW-RFW61/10	DNIS:2016396580	CSID: 5164427311	DURATION (min:sec): 02:39
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51

POLICE ACCIDENT REPORT

MV-104A (8/04)

DMV COPY

19

CZL5B4BZJCGN

AMENDED REPORT

DMV COPY

Accident Date				Day of Week				Military Time				No. of Vehicles		No. Injured		No. Killed		Not Investigated at Scene <input type="checkbox"/>		Left Hand <input type="checkbox"/>		Police Phone <input type="checkbox"/>		
Month	Day	Year		Tues				11:38			4	3	0											

VEHICLE 1

20

VEHICLE 2 CYCLIST PEDESTRIAN OTHER PEDESTRIAN

21

VEHICLE 1 - Driver				State of Linc.				VEHICLE 2 - Driver				State of Linc.			
License ID Number								License ID Number							

22

Driver Name - exactly as printed on license				Driver Name - exactly as printed on license			
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23

Address (Include Number & Street)				Ap. No.				Address (Include Number & Street)				Ap. No.			
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City or Town				State Zip Code				City or Town				State Zip Code			
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Date of Birth				Sex				Unlicensed				Date of Birth				Sex			
Month	Day	Year																	

26

Name - exactly as printed on registration				State of Birth				Name - exactly as printed on registration				State of Birth			
Sex		Date of Birth		Month	Day	Year		Sex		Date of Birth		Month	Day	Year	

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Address (Include Number & Street)				Ap. No.				Address (Include Number & Street)				Ap. No.			
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City or Town				State Zip Code				City or Town				State Zip Code			
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Plate Number				State of Reg.				Vehicle Year & Make				Plate Number				State of Reg.				Vehicle Year & Make			
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Ticket/Arrest Number(s)				Ticket/Arrest Number(s)			
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Violation Section(s)				Violation Section(s)			
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Check if involved vehicle is:				Check if involved vehicle is:				Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.			
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<input type="checkbox"/> more than 86 inches wide;	<input type="checkbox"/> more than 98 inches wide;
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<input type="checkbox"/> more than 34 feet long;	<input type="checkbox"/> more than 34 feet long;
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<input type="checkbox"/> operated with an overweight permit;	<input type="checkbox"/> operated with an overweight permit;
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<input type="checkbox"/> operated with an overdimension permit;	<input type="checkbox"/> operated with an overdimension permit;
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VEHICLE 1 DAMAGE CODES

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